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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 J. BENJAMIN ODOMS,

Plaintiff,

10 | vs.

3:13-cv-00193-RCJ-VPC

ORDER

11 NDOC UTILIZATION REVIEW PANEL, 12 *et al.*

Defendants.

15 This prisoner civil rights action comes before the Court for consideration of certification
16 as to whether the appeal is taken in good faith.

Plaintiff's appeal from the dismissal of this action is frivolous. Plaintiff has filed, *inter alia*, three actions, being the long closed No. 3:09-cv-00223-RCJ-VPC as well No. 3:13-cv-00181-RCJ-WGC and the present action, No. 3:13-cv-00193-RCJ-VPC. The Court dismissed the present action, No. 3:13-cv-00193-RCJ-VPC because the complaint in this action was duplicative – literally an exact photocopy duplicate – of the complaint No. 3:13-cv-00181-RCJ-WGC. Plaintiff's motion for relief from order proceeds on the misconception that the Court dismissed the present action – No. 3:13-cv-00193-RCJ-VPC – instead because it was duplicative of his long since dismissed action in No. 3:09-cv-00223-RCJ-VPC. That is not what happened. Plaintiff's completely flawed illogic provides no viable basis for an appeal herein. An appeal would be dismissed in the case of a non-indigent litigant.

IT THEREFORE IS ORDERED, pursuant to 28 U.S.C. § 1915(a)(3), that the Court certifies to the Court of Appeals that the appeal is not taken in good faith.

1 The Clerk of Court shall: (a) prominently reflect this certification in bold in the docket
2 entry for this order; and (b) forward a notice of electronic filing to the Court of Appeals with
3 regard to this order as per the Clerk's current practice for such matters.

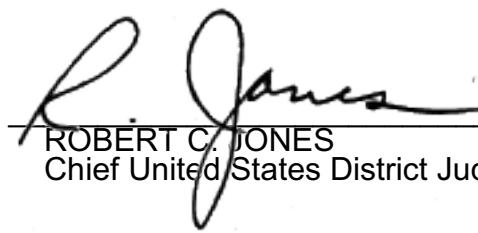
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5 DATED: August 21, 2013.

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ROBERT C. JONES
Chief United States District Judge

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